

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-32 are pending. By the present amendment, Claim 1 is amended. Support for the present amendment can be found in the original specification, for example, at page 15, line 28 to page 17, line 31 and in Figures 7-13. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1-3, 7-11, 16-18, 24, and 25 were rejected under 35 U.S.C. 102(b) as anticipated by Abildgaard et al. (U.S. Patent No. 6,712,194, hereinafter “Abildgaard”). Claims 12 and 13 were rejected under 35 U.S.C. 103(a) as unpatentable over Abildgaard in view of Polling (U.S. Patent No. 6,135,262). Claims 19-23, 28, and 29 were rejected under 35 U.S.C. 103(a) as unpatentable over Abildgaard.

Claims 4, 5, 6, 14, 15, 26, and 27 were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 30-32 were allowed. Applicants acknowledge with appreciation the indication of allowed and allowable subject matter. However, as Applicants believe that Claim 1 includes allowable subject matter, Claims 4, 5, 6, 14, 15, 26, and 27 are maintained in dependent form at the present time.

Turning now to the outstanding rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a), these rejections are respectfully traversed as discussed below.

Claim 1 recites, *inter alia*, a device for sorting products, “wherein the axis of rotation of the at least one cam is spaced apart from the axis of tilt of the at least one cam.” Applicants submit that the cited references do not disclose or suggest every feature recited in Claim 1.

Abildgaard describes a tilting mechanism for a sorting conveyer that includes a first smooth wheel (2) and a second smooth wheel (4). The first smooth wheel (2) has a fixed center at a fixed position on an apex of the housing (17). The second smooth wheel (4) is attached to tilting part (6). As the tilting part (6) tilts, a non-linear path (1) on the tilting part (6) slides over the first smooth wheel (2) and the second smooth wheel (4) slides in a vertical direction along a linear path (5) on the housing (17). The Official Action equates the tilting part (6) described in Abildgaard to the claimed “at least one cam.”

However, it is respectfully submitted that Abildgaard does not disclose or suggest that “the axis of rotation of the at least one cam is spaced apart from the axis of tilt of the at least one cam,” as recited in Claim 1.

Instead, as can be seen in Figures 1-6 of Abildgaard, the axis of tilt and the axis of rotation *are the same*, and are not spaced apart. Thus, the tilting part (6) described in Abildgaard is not the claimed “at least one cam.”

Additionally, the Office Action equates the cutout portion of the tilting part (6) described in Abildgaard to the claimed “path of a camway.” However, as is evident from a review of the figures in Abildgaard, the tilting part (6) does not *move within* the cutout portion of the tilting part (6). Instead, the tilting part (6) moves around the cutout part. Thus, Abildgaard does not disclose or suggest that “the cam moves within a path of a camway,” as recited in Claim 1.

Accordingly, Applicants submit that Abildgaard does not disclose or suggest all of the features recited in Claim 1. Thus, Applicants respectfully request the rejection of Claim 1, and all claims dependent thereon, based on Abildgaard be withdrawn.

With regard to the rejection of Claims 12 and 13 as unpatentable over Abildgaard in view of Polling, it is noted that Claims 12 and 13 are dependent on Claim 1, and thus are

believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Polling does not cure any of the above-noted deficiencies of Abildgaard. Accordingly, it is respectfully submitted that Claims 12 and 13 are patentable over Abildgaard in view of Polling.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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